

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**ALLSTATE INSURANCE COMPANY,
ET. AL.,**

Plaintiffs

VS.

**MICHAEL KENT PLAMBECK, D.C.,
ET. AL.,**

Defendants

Civil Action No. 3:08CV-0388-M

**JOINT STIPULATION OF DISMISSAL IN REGARD TO
CERTAIN DEFENDANT CLINIC ENTITIES**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Come now Allstate Insurance Company, Allstate Indemnity Company, Allstate Property & Casualty Insurance Company, and Allstate County Mutual Insurance Company, Plaintiffs, and Brownsville Chiropractic and Wellness Center, Inc., Main Street Chiropractic, Monon Trail Chiropractic, Inc., and West Tusc Chiropractic, Inc., four of the Defendants, and file this Joint Stipulation of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and would respectfully show the Court as follows:

I.

1. Brownsville Chiropractic and Wellness Center, Inc., Main Street Chiropractic, Inc., Monon Trail Chiropractic, Inc., and West Tusc Chiropractic, Inc. have answered in this lawsuit. Brownsville Chiropractic and Wellness Center, Inc. brought a counter-claim against Plaintiffs, against which the Court has previously granted summary judgment. Main Street Chiropractic, Inc.

Monon Trail Chiropractic, Inc., and West Tusc Chiropractic, Inc. brought no counterclaims in this lawsuit, and none of the four Defendants at issue herein brought any cross-claims in this lawsuit.

2. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs and Brownsville Chiropractic and Wellness Center, Inc., Main Street Chiropractic, Monon Trail Chiropractic, Inc., and West Tusc Chiropractic, Inc. stipulate to the Court that Plaintiffs no longer wish to maintain their suit against Brownsville Chiropractic and Wellness Center, Inc., Main Street Chiropractic, Monon Trail Chiropractic, Inc., and West Tusc Chiropractic, Inc. in this cause of action, and the above-styled and numbered cause of action in regard to Brownsville Chiropractic and Wellness Center, Inc., Main Street Chiropractic, Monon Trail Chiropractic, Inc., and West Tusc Chiropractic, Inc. (only), is dismissed with prejudice.

3. Plaintiffs do not stipulate to the dismissal of any other Defendant, aside from Brownsville Chiropractic and Wellness Center, Inc., Main Street Chiropractic, Monon Trail Chiropractic, Inc., and West Tusc Chiropractic, Inc., by this Stipulation.

4. By this Joint Stipulation, these Defendants are not waiving or releasing any claims they may have pursuant to Rule 11 of the Federal Rules of Civil Procedure.

5. These Defendants contend that all costs of court incurred in connection with Plaintiffs' actions against them should be taxed against the Plaintiffs. Plaintiffs contend any assessment of costs between the Parties should be determined after trial.

Respectfully submitted;

/s/ David Kassabian
DAVID KASSABIAN
STATE BAR NO. 11105600
BRET WEATHERFORD
STATE BAR NO. 20998800

**KASSABIAN, DOYLE
& WEATHERFORD, P.C.**
2261 Brookhollow Plaza Dr.
Suite 300
Arlington, Texas 76006
817/460-5099 (Local)
817/461-8855 (Metro)
817/274-9863 (Facsimile)

ATTORNEYS FOR PLAINTIFFS

/s/ Kenneth R. Stein
KENNETH R. STEIN
STATE BAR #19128300

**MATTHEWS, STEIN, SHEILS, PEACE,
KNOTT, EDEN & DAVIS, LLC**
8131 LBJ Freeway, Suite 700
Dallas, Texas 75251
972/234-3440
972/234-1750 (Facsimile)

**ATTORNEYS FOR CHIROPRACTIC
DEFENDANTS**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Joint Stipulation of Dismissal in Regard to Certain Defendant Clinic Entities has been served on the following via electronic filing and email this the 21st day of February 2013:

Mr. Mark S. Werbner
Sayles | Werbner
4400 Renaissance Tower
1201 Elm Street
Dallas, TX 75270

Mr. Kenneth R. Stein
Matthews, Stein, Shiels, Pearce, Knott
Eden & Davis, L.L.P.
8131 LBJ Freeway, Suite 700
Dallas, TX 75251

Mr. Eugene X. Mercier
P. O. Box 846
Corpus Christi, TX 78403
Dallas, TX 75270

Mr. Randall Toca
128 Chateau St. Michel Dr
Kenner, LA 70065

Mr. Jeff Kearney
Kearney | Wynn
One Museum Place
3100 West 7th Street, Suite 420
Fort Worth, TX 76107

/s/DavidKassabian
DAVID KASSABIAN